

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CRYSTAL MAYO,

Plaintiff,

Case No. 12-11692

v.

Hon. John Corbett O'Meara

ARAB AMERICAN & CHALDEAN
COUNCIL,

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION
TO REVIEW CLERK'S TAXATION OF COSTS**

Before the court is Plaintiff's motion to review the clerk's taxation of costs, filed May 9, 2013, which has been fully briefed. The court did not hear oral argument.

The court entered a judgment in favor of Defendant on April 23, 2013. On May 2, 2013, Defendant submitted a bill of costs to the clerk of the court pursuant to Fed. R. Civ. P. 54. On the same day, the clerk taxed costs in the amount of \$2,960.97 (\$2,935.97 in transcript fees and \$25 for docket fees). Plaintiff objects to the taxation of transcript costs, arguing that they were not "necessary to this Honorable Court's Decision on the Motion for Summary Judgment, since this Honorable Court simply stated that the Motion was being granted for the reasons stated on the record but did not articulate upon what facts this Honorable Court was making its ruling."¹

Contrary to Plaintiff's argument, Defendant need not demonstrate that the transcripts

¹ Plaintiff also argues that Defendant has not actually paid the court reporter for the transcripts; however, Defendant has attached invoices supporting its request for costs. The court taxes costs on the presumption that Defendant will pay those invoices if it has not already.

were necessary to the court's decision in order for such costs to be taxable pursuant to Fed. R. Civ. P. 54 and 28 U.S.C. § 1920. Rather, 28 U.S.C. § 1920(2) provides that costs may be taxed for "transcript necessarily obtained for use in the case." The transcripts at issue were attached to Defendant's motion for summary judgment and reply brief; several of the transcripts were cited by Plaintiff in her response brief. Each of the witness's testimony was necessary to support Defendant's motion and the court relied upon that testimony in reaching its decision. Accordingly, the court will deny Plaintiff's motion to review the taxation of costs.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: July 3, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, July 3, 2013, using the ECF system.

s/William Barkholz
Case Manager